

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to Iowa adoption exchange  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 203, “Iowa Adoption Exchange,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 237.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.119 and 237.3.

*Purpose and Summary*

The rules in Chapter 203 were reviewed as part of the Department’s five-year rules review process.

The purpose of the Iowa Adoption Exchange is to facilitate the placement of Iowa children who are legally available for adoption. Administrative rules in this chapter require that children with special needs under state guardianship be registered on the Iowa Adoption Exchange within 60 days after termination of parental rights unless a deferral is granted. All children under state guardianship for whom an adoptive home is not available within 90 days after termination of parental rights shall be registered on the Iowa Adoption Exchange. Department workers, child-placing agencies and certified adoption investigators shall register adoptive families if the families wish to adopt a child with special needs or a sibling group.

This proposed rule making updates definitions used in the program and clarifies the process.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Recruitment, retention, training and support (RRTS) contract” in rule **441—203.1(232)**:

*“Recruitment, retention, training and support (RRTS) contract”* means the state’s contractor(s) responsible for activities related to licensing foster families and approving adoptive families, providing support services to foster and preadoptive families, conducting preservice and in-service training, and providing assistance in matching children in need of foster home care.

ITEM 2. Amend rule 441—203.2(232) as follows:

**441—203.2(232) Children to be registered on the exchange system.** All children with special needs under state guardianship shall be registered on the Iowa adoption exchange system within 60 days of receipt of the termination of parental rights court order, unless a deferral is granted by the adoption program manager. In addition to the children with special needs being placed on the exchange system, those children under state guardianship for whom an adoptive home is not available within 90 days after termination shall be placed on the exchange system by department staff. Department workers shall forward the child’s photograph to the Division of Adult, Children and Family Services, Adoption Program, for photolisting in the Iowa’s Waiting Children Book at the time that the child is registered on the Iowa adoption exchange system.

Licensed child-placing agencies may register a child whose parental rights have been terminated and who is under their guardianship using one of the following methods:

~~a. 203.2(1)~~ The agency shall submit Form ~~470-0751, Exchange Referral of Child/Sibling Group~~ 470-3351 to the department for entry of the child’s name and data if the agency is registering ~~less~~ fewer than four children a calendar year. The RRTS contractor(s) manages the state’s photo listing. This form authorizes the RRTS contractor to post the child on the state and national exchanges.

~~b. 203.2(2)~~ The agency shall access the Iowa adoption exchange system and directly enter the child’s name and data when the agency registers four or more children in a calendar year.